

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



ERIN GALLAGHER,

Plaintiff,

v.

19-cv-38 (JLS) (MJR)

TARGET CORPORATION,

Defendant.

DECISION AND ORDER

On August 20, 2018, Plaintiff Erin Gallagher filed this action in New York State Supreme Court, Erie County, asserting a negligence claim against Defendant Target Corporation and seeking damages for a slip-and-fall that occurred in Summer 2016 at the Delaware Avenue Target store in Buffalo, New York. Dkt. 1-2. Defendant answered on October 4, 2018, and removed the action to this Court on January 7, 2019. Dkts. 1, 1-3. On March 1, 2019, this Court¹ referred the case to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. §§ 636(b)(1)(A) and (B). Dkt. 5.

Defendant moved for summary judgment on January 16, 2020. Dkt. 16. Plaintiff opposed the motion, and Defendant replied. Dkts. 18, 19. Judge Roemer held oral argument on May 20, 2020, and, on July 9, 2020, issued a Report and

¹ Judge Vilardo was originally assigned to this case and ordered the referral to Magistrate Judge Roemer. On February 14, 2020, the case was reassigned to the undersigned. Dkt. 17.

Recommendation (“R&R”), recommending that this Court grant Defendant’s motion for summary judgment. Dkt. 24. Neither party objected to the R&R, and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

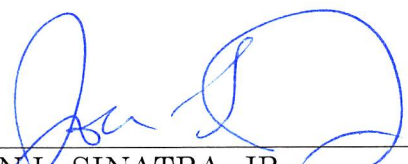
A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge’s recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Though not required to do so, this Court reviewed Judge Roemer’s R&R. Based on that review and absent any objections, the Court accepts and adopts Judge Roemer’s recommendation to grant Defendant’s motion.

For the reasons stated above and in the R&R, the Court GRANTS Defendant’s motion for summary judgment (Dkt. 16). The complaint (Dkt. 1-2) is DISMISSED. The Clerk of the Court shall close this case.

SO ORDERED.

Dated: August 14, 2020
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE